

Dec 03, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRIAN A.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:18-CV-0149-JTR

ORDER GRANTING STIPULATED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

**BEFORE THE COURT** is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 26. Attorney Christopher H. Dellert represents Plaintiff; Special Assistant United States Attorney Ryan Ta Lu represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 4. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 26**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) will hold a *de novo* hearing and issue a new decision. The ALJ shall: (1) reevaluate the opinion from Brent Packer, M.D.; (2) further evaluate the applicability of Listings 1.02 and 12.05 at

1 step three of the sequential evaluation process; (3) reconsider Plaintiff's symptom  
2 allegations; (4) reassess Plaintiff's residual functional capacity; and (5) obtain  
3 supplemental vocational expert evidence, if warranted. The ALJ may take any  
4 other actions necessary to develop the record, and Plaintiff may present additional  
5 testimony and submit additional evidence.

6 2. **Judgment shall be entered for PLAINTIFF** in accordance with FED.  
7 R. Civ. P. 58.

8 3. Plaintiff's Motion for Summary Judgment, **ECF No. 19**, is  
9 **STRICKEN AS MOOT**.

10 4. An application for attorney fees may be filed by separate motion.  
11 The District Court Executive is directed to enter this Order, forward copies  
12 to counsel, and **CLOSE THE FILE**.

13 DATED December 3, 2018.



A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE